

DOCKET & FILE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORAL WILSON,

NOT FOR PUBLICATION

Plaintiff,

MEMORANDUM & ORDER

- against -

09-CV-1105 (KAM) (LB)

SEAN EHAH, et al.,

Defendants.

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MATSUMOTO, United States District Judge:

By Order dated August 19, 2009, Magistrate Judge Lois Bloom ordered plaintiff to provide his current address by September 30, 2009. (See Doc. No. 12.) A copy the August 19, 2009 Order was mailed to plaintiff at the only address plaintiff provided to the court and the mailing was returned as undeliverable. (See Doc. Nos. 13, 17-19.) Accordingly, by Report and Recommendation dated October 22, 2009, Magistrate Judge Bloom recommended that this action be dismissed without prejudice based on plaintiff's failure to advise the court and defendants of his current address or contact information. (See Doc. No. 21, Report and Recommendation.) The Report and Recommendation was mailed to plaintiff at the only address plaintiff provided to the court and the mailing was again returned as undeliverable. (See Doc. No. 22.)

By Orders dated November 13, 2009 and February 4, 2010, this court directed defendants' counsel to use his best

efforts to serve a copy of the Report and Recommendation upon plaintiff and to obtain plaintiff's current contact information. Defense counsel has reported that based on his investigation and discussions with federal immigration authorities, plaintiff was deported from the United States on or about August 11, 2009. (See Doc. No. 24.) To date, plaintiff has failed to advise the court of his current contact information.

DISCUSSION

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quotation omitted).

Upon a careful review of the history of this action and the Report and Recommendation, the court finds no clear error in the Report and Recommendation and adopts it as the opinion of the court. Accordingly, plaintiff's complaint is hereby dismissed without prejudice.

The Clerk of the Court is respectfully directed to close this case and mail a copy of this Order to plaintiff at his last known address. Additionally, defendant's counsel shall mail a copy of this Order to plaintiff at his last known address and file a declaration of service by April 8, 2010.

SO ORDERED.

Dated: Brooklyn, New York
April 6, 2010

Kiyo A. Matsumoto

KIYO A. MATSUMOTO
United States District Judge
Eastern District of New York